

# Bill to help public-service lawyers advances

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The Courier-Journal

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FRANKFORT, Ky. — With \$130,000 in student loans from law school, Adam Greenway said his salary as a public defender in Glasgow wasn't enough to pay the bills.

So Greenway, who is married with three children, took a second job.

"I deliver pizzas at night," he said.

Greenway and other young lawyers from around Kentucky rallied today in support of House Bill 226, which would allow those who work as prosecutors, public defenders or in other public-service legal work to get help repaying their loans.

The House Judiciary Committee approved the bill after hearing from supporters of the bill, which was endorsed by the deans of Kentucky's three public law schools.

It is sponsored by Reps. Rob Wilkey, D-Scottsville, and Jeff Hoover, R-Jamestown, who said Kentucky's court system urgently needs the bill to recruit and retain young lawyers for public service.

"Without them, our court system, I can assure you, will not function," Wilkey said.

Lawyers who work as assistant county or commonwealth's attorneys or public defenders, in the attorney general's office or in legal-aid services start at a salary of about \$32,000 to \$37,500 a year.

Ernie Lewis, head of the state's Department of Public Advocacy, said his office struggles to recruit and retain public defenders but loses about four lawyers a month to better-paying jobs.

The bill would allow lawyers to get reimbursed up to \$6,000 a year in student loan payments for every year they work. The money would come from court fees, and the amount would be capped at \$1.2 million a year.

The House has passed the bill in previous years, but it has not cleared the Senate.

Several young lawyers who attended today's hearing said they hope it becomes law this year.

“The bill would be an excellent help to us,” said Leigh Meredith, 29, who works with crime victims for the attorney general’s office. She and others said they enjoy the work — but aren’t sure how long they can afford it.

“I really love it,” said Nicholas Haynes, 27, a public defender in Richmond with about \$120,000 in college debt. “It’s really fulfilling.”

## **Associated Press**

### **Bill Seeks Student Loan Assistance For Public Lawyers**

FRANKFORT, Ky. (AP) - Eric Clark has a law degree and a full-time job, but that wasn't enough to enable him to live on his own. Faced with big debt from his student loans, the Bowling Green public defender moved back home with his parents.

"I couldn't make ends meet," said Clark, 36, who supported legislation Wednesday that would create a student loan assistance program for Kentucky's public defenders, prosecutors and civil legal services attorneys.

The bill later won approval from the House Judiciary Committee without dissent.

Clark, who moved out on his own last year when he got married, said the prospect of struggling to pay off student loans is making it tougher for young attorneys to pass up better-paying jobs with private law firms.

"The reality is just getting bleaker and bleaker for people to go into public service," Clark said after a Capitol rally for the legislation.

The assistance program would be funded by diverting 2 percent of the court costs that now go to the state's General Fund. The Kentucky Higher Education Authority would run the program, and the amount available would be capped at \$1.2 million each year.

Under the bill, full-time public defenders, prosecutors or civil legal services attorneys - whose starting salaries range from \$32,000 to \$37,000 yearly - could receive up to \$6,000 a year to help pay off student loans. Attorneys working part time in those offices could get up to \$3,000 yearly.

Ernie Lewis, head of the Department of Public Advocacy and a leading supporter of the bill, said his agency loses, on average, four attorneys monthly "because they can't afford to practice law with salaries that they are receiving."

Lewis said some young lawyers work second jobs, including delivering pizzas, to supplement their income to help pay off students loans. The state would benefit from the program by having experienced lawyers manning those public offices, he said.

Senate Majority Leader Dan Kelly, R-Springfield, said similar bills passed the House and Senate in past years but got caught up in budget disputes.

"I think there's support for that bill in both chambers," he said in an interview. "There may be some question about whether it will be done this session or in the budget session" next year.

Rep. Stan Lee, a Lexington Republican who is running for attorney general, wondered how the proposal would be perceived by some in a state with historically high poverty rates compared to much of the nation.

"I'm sure there are a lot of citizens out there who will look at these salaries and ask themselves, 'Well why can't they afford to pay their loan back,'" he said in an interview.

Lee, who voted for the bill in committee but said his support wasn't guaranteed when it comes to the full House, said the state needs to recruit good lawyers to prosecute and defend cases.

"There's certainly a balancing test there," he said.

Clark said his student loan payment was \$660 a month after graduating from law school in 1997 - eating up more than 40 percent of his take-home pay in his first job.

Now, he makes about \$48,000 a year, but still has about \$44,000 in college loans to pay off. Eight of the 10 attorneys working in his office have student loans to pay off that range from \$12,000 to more than \$100,000, he said.

Clark said he likes helping those unable to afford legal assistance, but knows that he has friends making \$100,000 or more a year in private law practices.

"It is tempting to do that, especially when you're recently married, thinking about having a family," Clark said.

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## **Herald-Leader Editorial**

### **Do them justice**

#### **Help public attorneys pay student loans**

It's a drain on taxpayers when experienced prosecutors and public defenders have to go into private practice just to make ends meet.

It's bad for everyone when law school graduates can't afford to go into public-service law.

But lawyers burdened with tens of thousands of dollars in student-loan debt are routinely forced to leave public service because they can't make their monthly payments.

The legislature should provide some relief by enacting a student-loan assistance program that comes before the House Judiciary Committee today with support from a broad coalition of legal groups.

House Bill 226 would provide modest aid of no more than \$6,000 a year to prosecutors, public defenders, county attorneys and legal-aid attorneys to pay off student loans.

The annual cost of about \$1.2 million is just 2 percent of the court-costs fund from which it would come. The state would recoup part of the expense through lower recruiting and training costs after the turnover in attorneys slows.

One could argue that a better solution would be to provide competitive pay to these lawyers on whom the justice system depends. They certainly deserve it.

But the legislature is in no position to provide a dramatic salary increase this year and will never be able to compete head-on with private firms and clients.

Legislators should give more public-service lawyers financial breathing room by putting them on the same footing as other professions that receive student-loan assistance.

It's one way to show we appreciate the financial sacrifice they make to serve the public and keep the wheels of justice turning.

## Lawyers rally for bill that offers loan help, 2.8.07

Student debt hits public workers hard

By Deborah Yetter

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The Courier-Journal

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So Greenway, who is married with three children, took a second job.

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Greenway and other young Kentucky lawyers rallied yesterday in support of House Bill 226, which would allow those who work as prosecutors, public defenders or in other public-service positions to get help repaying their loans.

The House Judiciary Committee approved the bill after hearing from supporters. It was endorsed by the deans of Kentucky's three public law schools.

The bill is sponsored by Reps. Rob Wilkey, D-Scottsville, and Jeff Hoover, R-Jamestown, who said the state's court system needs the legislation passed urgently to recruit and retain young lawyers for public service.

"Without them, our court system, I can assure you, will not function," Wilkey said.

Lawyers who work as assistant county or commonwealth's attorneys or public defenders, in the attorney general's office or in legal-aid services start at a salary of about \$32,000 to \$37,500 a year.

Ernie Lewis, head of the state's Department of Public Advocacy, said his office struggles to recruit public defenders and loses about four lawyers a month to better-paying jobs.

The bill, which now goes to the full House, would allow lawyers to get up to \$6,000 a year in student-loan payments for every year they work. The money would come from court fees, and the total amount would be capped at \$1.2 million a year.

The House has passed the bill in previous years, but it has not cleared the Senate.

Several young attorneys at yesterday's hearing said they hope it becomes law this year.

"The bill would be an excellent help to us," said Leigh Meredith, 29, who works with crime victims for the attorney general's office. She and others said they enjoy the work but aren't sure how long they can afford it.

"I really love" the work, said Nicholas Haynes, 27, a public defender in Richmond with about \$120,000 in college debt. "It's really fulfilling."

## **Panel OKs help on student debt for low-paid lawyers, 2.8.07**

By Brandon Ortiz  
HERALD-LEADER STAFF WRITER

**FRANKFORT** - Every month, Bowling Green public defender Eric Clark writes a check for \$660.

It's not for rent. It's for the \$44,000 he still owes for law school.

In September, the 36-year-old moved out of his family's house to get married. He wants to continue defending poor people, which he considers his life's calling, but he says he won't be able to afford to if his wife has a child.

"The reality is getting bleaker and bleaker for people going into public service," he said after a rally in the Capitol Rotunda for a bill intended to help recruit and retain public civil attorneys for the poor, public defenders and prosecutors who are saddled with high student-loan debt.

Yesterday, the House Judiciary Committee unanimously passed House Bill 226, sponsored by Rep. Rob Wilkey, D-Scottsville, and Rep. James Hoover, R-Jamestown. The bill would reimburse \$6,000 a year of law school student-loan debt for those full-time attorneys. Supporters say young lawyers are bolting for private practice because they cannot afford loan debt -- often in excess of \$100,000 or more -- on small public salaries.

First-year prosecutors, public defenders and Civil Legal Services attorneys, who represent the poor in civil lawsuits, are paid between \$32,000 and \$37,000 -- a fraction of what they could make in private practice.

Public Advocate Ernie Lewis says some public defenders have to work second jobs delivering pizzas or move in with their parents just to make ends meet. Four lawyers a month leave the agency because of massive loan debt, he said.

Wilkey quoted Thomas Jefferson to argue in support of the bill: "I consider trial by jury as the only anchor yet imagined by man by which a government can be held to the principles of its constitution."

Said Wilkey, "That constitutional guarantee ... means nothing if that system of civil and criminal justice is not functioning properly, and there are not lawyers willing and able to serve to represent indigent clients."

The bill's cost is capped at \$1.2 million and would come from court fees. It would start in 2009, meaning that money would have to be appropriated for it in the 2008 legislative session, Lewis said.

Part-time employees would be eligible for \$3,000 of student-loan assistance. The lawyer would have to sign a two-year commitment to remain in public service, and could not be receiving any other loan assistance. The plan would be administered by the Kentucky Higher Education Assistance Authority.

Legislative leaders from both parties have said they are hesitant to authorize spending during this session.

The full House will consider the bill next. Both the House and the Senate passed the bill in 2004, but it died after the Senate and the House could not agree on a budget.

## **BOWLING GREEN DAILY NEWS, 2.8.07**

### **Proposed bill will help with lawyers' student loan debt**

By BURTON SPEAKMAN, The Daily News, [bspeakman@bgdailynews.com](mailto:bspeakman@bgdailynews.com)

*Wednesday, February 7, 2007 11:41 AM CST*

Lawyers choosing to be public defenders or prosecutors in Kentucky would receive help repaying their student loans if a bill proposed Tuesday is passed into law.

Rep. Rob Wilkey, D-Scottsville, and Rep. Jeff Hoover, R-Jamestown, are introducing the Prosecutor and Public Defender Student Loan Bill, House Bill 226. It would offer reimbursement of \$500 a month, capped at \$6,000 a year, for student loans for full-time prosecutors, public defenders and civil legal aid lawyers.

The bill is being presented today to the state House of Representatives judicial committee. A rally is scheduled for today in Frankfort in support of the bill.

The proposed funding for the bill is provided through a 2 percent appropriation from court costs, with no more than \$1.2 million to be distributed annually.

A public defender who earns \$3,125 a month and faces a monthly student loan payment of \$600 cannot meet even basic monthly expenses, said Kentucky Public Advocate Ernie Lewis.

"Something is drastically wrong when a public prosecutor is driven into bankruptcy because his or her salary won't cover his or her loan payments," he said.

Legislators have been working on the bill for the last three to four years, said Wilkey, who is a private attorney.

Kentucky needs qualified prosecutors and public defenders to have a fair and just legal system, he said.

"A lot of people get out of law school and simply can't afford to do prosecution or public defense," Wilkey said. "This bill would allow those who would be inclined to consider public service who now can't afford it."

Public defenders earn an average annual salary of \$37,522 in Kentucky. Assistant commonwealth's attorneys average \$35,000; assistant county attorneys earn an average of \$32,000 and civil legal aid attorneys make an average of \$35,000, according to information from the Department of Public Advocacy.

Kristy Vick Stratton, assistant commonwealth's attorney for Logan and Todd counties, said she has been forced to make a number of sacrifices to continue her work.

She teaches a course at Western Kentucky University to make extra money and still lives at home with her parents, she said. Her students loan bills total \$500 a month after consolidating and would have been more than \$1,000 a month before that.

The bill would allow her to save money to purchase a home, Stratton said.

Attorneys go to school three additional years after earning an undergraduate degree and make less than some people who don't earn college degrees, she said.

"It's really sad. I love what I do, but it makes it hard to make it with a budget," Stratton said.

About half of Kentucky's public defenders have outstanding student loans ranging from \$2,000 to \$170,000, according to the public advocacy department.

This bill would create a larger pool of candidates to become assistant commonwealth's attorneys, said Chris Cohron, commonwealth's attorney for Warren County. There is a need for qualified, competent people to serve in these positions, he said.

"A lot of people want to spend their career in public service - I want to do that," he said.

But a lot of attorneys have seven years of student loans after graduating with their undergraduate degrees and then going on to law school, Cohron said. Before they get out of school, they owe thousands of dollars in student loans.

They're forced to take jobs outside public service to pay those loans, he said.

The bill will help achieve parity within the state's criminal justice system, said Dave Stengel, Jefferson County commonwealth's attorney.

"Our entry level attorneys are paid less than a local police officer," he said.

The change will also reduce training costs that increase with high turnover, Wilkey said. It takes four months to train a new attorney and frequently they realize they can't afford to stay in the position.

## WBKO PUBLIC DEFENDERS' LOANS

 [Public Defenders' Loans](#)

Posted: 6:05 PM Feb 7, 2007

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*Kentucky lawmakers are also busy outlining their hopes for the legislative session. One issue involves student loans.*

Some attorneys in Kentucky say they have to choose between paying their bills and paying their student loans.

Lawyers who work for public offices say they need help paying off their student loans which can run in the hundreds of thousands of dollars.

Many times the lawyers represent people who can't afford legal aid, yet the lawyers say they too need help.

"The amount of student loan debt makes a difficult choice for me. I have to decide whether I can pay my mortgage or if I can pay my student loans sometimes," attorney, Leigh Meredith said.

House Bill 226 was introduced by Representative Rob Wilkey of Scottsville. It would offer hundreds of dollars in monthly reimbursement for lawyers with money coming from the court cost distribution fund.

## WKYT – TV 2.6.07 Bill Seeks Student Loan Assistance For Public Lawyers

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February 8, 2007

Lawyers ask for student loan help: Public defenders say they struggle with mountain of debt

Owen Covington  
Messenger-Inquirer, Owensboro, Ky.

Feb. 8--FRANKFORT -- Public defender Shelia Kyle-Reno has seen lawyers come and go from public service legal work, often leaving to seek higher salaries so they can make payments on law school loans that can top \$100,000.

Kyle-Reno, who works in the Owensboro office for the Kentucky Department of Public Advocacy, said the state not only loses good lawyers, but also the investment it makes in their training.

"Young people coming out of law school deserve some relief for going into public service," Kyle-Reno said. "I think it's well overdue."

Kyle-Reno and dozens of other public service attorneys converged on the state Capitol on Wednesday to rally behind a bill that would provide up to \$6,000 a year in student loan assistance for public defenders, prosecutors and other attorneys in public interest law.

The measure, House Bill 226, calls for an annual cost of up to \$1.2 million that would come out of the normal court costs collected in criminal cases.

Public Advocate Ernie Lewis said young, idealistic lawyers are entering public service with "back-breaking" debt that often causes them to delay purchasing a home, having children and generally have trouble making ends meet. Public service attorneys in the state have starting salaries of between \$32,000 and \$37,000, Lewis said.

The debt burden causes many to leave public service for private practice, creating high turnover and a scarcity of public service attorneys with experience, Lewis said.

The Department of Public Advocacy also loses an investment of about \$7,000 on average in training for new attorneys, Lewis added.

"That's unfair to a society that relies upon lawyers for the reliability of verdicts," Lewis said.

The Public Service Law School Student Loan Assistance Program would provide up to \$500 a month in loan payment assistance to full-time public service attorneys, which includes attorneys with the attorney general's office and nonprofit legal assistance organizations.

Part-time attorneys would qualify for up to \$250 a month in assistance.

Following a rally Wednesday morning in the Capitol rotunda, the bill was approved by the House Judiciary Committee, chaired by Rep. Kathy Stein, a Lexington Democrat who is also an attorney. The bill will now move to the full House for its consideration.

The bill is sponsored by Rep. Rob Wilkey, a Scottsville Democrat and House majority whip, and Rep. Jeff Hoover, a Jamestown Republican who serves as House minority leader and is a candidate for lieutenant governor this year.



"We hope that this bill is another example that bipartisanship will work in the House and we can get this through," Hoover said.

Stein, who has served with Legal Aid in Fayette County and as an assistant county attorney, told the lawyers gathered at the rally that those in the court system deserve to have experienced attorneys

"You are in the trenches day in and day out dealing with all the difficult problems our society has," Stein said.

Sen. Jerry Rhoads, a Madisonville Democrat and attorney whose district includes Muhlenberg and Ohio counties, said he, like many of the attorneys who serve in the legislature, have personal experience dealing with clients who have few options because of economic limitations.

"I think it's not only a fairness issue, but it's a win-win for everyone involved," Rhoads said.

During the committee hearing, Reps. Robin Webb and Derrick Graham asked about the possibility of extending the program to other attorneys in the state, such as those who are on the staff of state agencies and the state Supreme Court.

Wilkey responded that the target of the bill is those attorneys involved in the court system, but it might be worth looking at expanding the program.

Lewis said the program has received support during past legislative sessions and that there is a lot of support this year in the Senate.

Since it relies on court costs the state is already collecting, the program would not require opening up the state's biennial budget for a new appropriation, Lewis said.

If enacted, attorneys who qualify would likely first sign up for the program next summer and would receive the first reimbursement after working for a year.